

"Approved by the City Council/Redevelopment Agency Board on October 25, 2006."

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
October 11, 2006**

The City Council/Agency Board of the City of Westminster, California convened on October 11, 2006 at 6:05 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, FRY, MARSH, QUACH
ABSENT: NONE

URGENT ITEM ADDED TO CLOSED SESSION:

Motion was made by Council Member Marsh, seconded by Mayor Rice, and carried unanimously to add the following item of an urgent nature onto the agenda for Closed Session, which arose subsequent to the posting of the agenda and requires immediate action, as follows:

Pursuant to Government Code Section 54956.8, Real Property Negotiators: Property: 6162 Apache Road; City Negotiator: Interim City Manager Andy Hall and Director of Public Works Marwan Youssef; Negotiating Party: County of Orange, Office of Treasurer - Tax Collector; Under Negotiation: Price and Terms of Payment.

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: Interim City Manager.

RECESS:

At 6:45 p.m., Mayor/Agency Chair Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 7:13 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, FRY, MARSH, QUACH

ABSENT: NONE

SALUTE TO FLAG: City Attorney

INVOCATION: Led by Council/Agency Member Quach

REPORT OUT OF CLOSED SESSION - None

SPECIAL PRESENTATIONS:

- A. Dave Southern with Orange County Human Relations presented the Mayor and City Council with their Annual Report. He reported on the various services that Orange County Human Relations provides in Westminster. He presented the Mayor and City Council with a Certificate.

ADD ON PRESENTATION

- B. The Mayor and City Council Member recognized Al Brackett for being named Orange County's Explorer Advisor of the Year.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of September 27, 2006.**

ACTION: Approved.

ROUTINE MATTERS

(REMOVED AND HEARD SEPARATELY)

- 1.2 Claims Against The City**

Council Member Marsh commented that claims submitted against the City should indicate the amount of damages, and not indicate an amount unknown.

Motion was made by Council Member Marsh, seconded by Council Member Quach to deny claims against the City from:

- 1) Ronald Rogers in an unknown amount.
- 2) Elijah Harris in the amount of \$50.00.
- 3) Maricela Miguela in an unknown amount.

The motion carried by a 4-0 vote.

- 1.3 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.4 Amendment to Agreement with Jones & Mayer for legal services provided to the City. (502-10)**

ACTION: The Mayor and City Council approved the agreement amendment.

(REMOVED AND HEARD SEPARATELY)

- 1.5 Award of Contract for City-wide Street Improvements at Various Locations – Project No. CTB-04-05-06 (502-01)**

Darrell Nolta, resident of Westminster, asked when Bishop Street between Magnolia and Bushard Streets, particularly around Moran Street, will be repaired.

The Director of Public Works responded that the street work on Bishop Street will be coordinated with the Midway City Sanitary District project to install a sewer line.

Motion was made by Council Member Marsh, seconded by Mayor Pro Tem Fry, to approve the award of contract to All American Asphalt, the low qualified bidder, in the amount of \$1,085,169.00; reject all other bids; and authorize the Interim City Manager to execute the contract on behalf of the City.

The motion carried by a 4-0 vote.

(REMOVED AND HEARD SEPARATELY)

- 1.6 Right-Of-Way Agreement for Parkway Trees at 15611 Garland Circle (614-05)**

Darrell Nolta, resident of Westminster, stated that he is happy this issue is being resolved, but is concerned about it becoming a practice.

Council Member Marsh responded that as a member of the Tree Education Committee, Mr. Nolta will be involved in reviewing the policies that currently exist regarding trees. The Council will make the decision on how to modify its policies. In the interim, there may be a need for agreements of this sort. He stated that most parkway trees pre-date the adopted ordinance.

Mayor Rice commented that she voted against this item when it previously came before the Council for consideration. She believes that the 13 parkway trees at the subject property are too many, and expressed her opposition to the approval of the right-of-way agreement.

Motion was made by Council Member Marsh, seconded by Council Member Quach to approve the Right-Of-Way Agreement between the City and Michael

Phan for parkway trees at 15611 Garland Circle; authorize the Interim City Manager to execute the agreement on behalf of the City; and authorize the City Clerk to record the Right-of-Way Agreement with the County Recorder's Office.

The motion carried by a 3-1 vote, with Mayor Rice voting in opposition.

(REMOVED AND HEARD SEPARATELY)

1.7 Acceptance of Final Parcel Map Number 2003-229 (13872 Cherry Street) (201-00) (CN 2005-76)

Reginald Crozier, resident of Westminster, expressed concern with the conversion of apartments to condominiums and legal issues encountered in another City.

The City Attorney explained the situation Mr. Crozier was referring to involved the approval process and an undisclosed conflict of interest.

Vivian Kirkpatrick-Pilger, resident of Westminster, asked if this property was deemed over to Abrazar.

Mayor Rice responded that this is a different property.

Motion was made by Mayor Pro Tem Fry, seconded by Council Member Quach to accept Final Parcel Map No. 2003-229 allowing the owner (Abrazar, Inc.) to convert a 2-unit apartment into a 2-unit condominium complex on the property located at 13872 Cherry Street (east side of Cherry Street between Wyoming Street and Westminster Boulevard), and authorize the City Clerk to sign and seal the map.

The motion carried by a 4-0 vote.

1.8 Acceptance of Final Tract Map Numbers 16700 and 16701 – 15088–15238 Moran Street (201-00) (CN 2005-40; CN 2005-49)

ACTION: The Mayor and City Council accepted Final Tract Map Numbers 16700 and 16701 allowing the developer (Bridgecreek Development Company) to build an 80-unit and a 64-unit senior condominium complex on the properties located at 15088-15238 Moran Street (east side of Moran Street between Bolsa Avenue and Bishop Place), and authorized the City Clerk to sign and seal the maps.

1.9 Change Order to Contract with Robert G. Castongia, Inc., Contractor for the Water Improvements Project at Various Locations, to perform urgent work for storm drain repair along Brooklawn Drive, east of Hoover Street (502-03)

ACTION: The Mayor and City Council authorized a change order to the contract with Robert G. Castongia, Inc. in the amount of \$20,000.00 for the repair of damaged storm drain pipe along Brooklawn Drive. The work to be performed on a time and material basis.

1.10 First Amendment to the Agreement between the City of Westminster and the County of Orange Social Services Agency to provide additional funding for the Westminster Family Resource Center for fiscal year 2006-2007. (502-15)

ACTION: The Mayor and City Council:

- 1) Approved an additional budget allocation from the County of Orange Social Services Agency in the amount of \$32,334 to Account Number 71800-43090 to provide additional counseling and child care services, and authorized the Interim City Manager to execute the agreement on behalf of the City; and
- 2) Approved an increase in the purchase order for counseling and case management services to Western Youth Services in the amount of \$24,834, and
- 3) Approved an increase in the amount of \$7,500 to provide additional child care services.

ADMINISTRATIVE ITEMS

1.11 Special Event Permit application from the Garden Grove Church of God to hold a Community Fall Festival on Saturday, October 28, 2006 between the hours of 7:00 a.m. and 6:00 p.m. The event will take place at the Garden Grove Church of God located at 8362 Trask Avenue, Westminster. The facility is located within the Westminster boundaries. The anticipated attendance is 200-400 people. (213-02)

ACTION: The Mayor and City Council:

- 1) Approved the request from the Garden Grove Church of God to waive the \$100 Special Event Permit fee; and
- 2) Approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

1.12 (City Council/Redevelopment Agency) Warrant Register dated September 20 through October 3, 2006. (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.13 Minutes of the Planning Commission meetings held August 23, 2006 and September 6, 2006 (104-11)

ACTION: Received and filed.

1.14 Treasurer's Report – July and August 2006 (105-08)

ACTION: Received and filed.

1.15 Minutes of the Commission on Aging meeting held on July 10, 2006 (104-03)

ACTION: Received and filed.

1.16 Minutes of the Cultural Arts Commission meetings held on March 2, 2006 and June 1, 2006 (104-06)

ACTION: Received and filed.

1.17 Minutes of the Traffic Commission meeting held on September 5, 2006 (104-12)

ACTION: Received and filed.

1.18. Community Development Monthly Reports – August and September 2006 (216-01)

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, seconded by Mayor Pro Tem/Vice Chair fry, to approve the Consent Calendar as recommended, with the exception of Item Nos. 1.2, 1.5, 1.6 and 1.7, which were removed for separate consideration. The motion carried by a 4-0 vote.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

Phil Hodgetts, resident of Westminster, corrected his home telephone number that he inaccurately provided at the September 13, 2006 meeting. He shared information that he had received from Dan Jacobson, Environment California Legislative Director regarding energy.

Jeanine Davies, resident of Westminster, announced the School Board Candidate Forum to be held on November 2nd from 7:00 p.m. to 9:00 p.m. at Stacey-Clegg School.

Darrell Nolta, resident of Westminster, commented on the September 28th Orange County Fire Authority (OCFA) Board Meeting that he attended. He said that the City did not have a representative there to consider the issue of deployment analysis. Mr. Nolta expressed concern with the Candidate Forum held on October 10th, stating that he felt it was corrupt, and that some candidates received more favorable treatment.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on October 4, 2006.

The Director of Community Development reviewed the actions of the Planning Commission meeting of October 4, 2006

- 1) Case 2006-56 (Conditional Use Permit, Site Plan Review, Design Review) to allow the construction of a new, 2,500-square foot, single story building for the establishment of a single-tenant automobile repair facility; . Location: Between 7185 – 7195 Westminster Avenue.
- 2) Case 2006-73 (Conditional Use Permit.) to allow the sale of individual containers of beer at an existing 7-Eleven Market/ CITGO Gasoline Station, thereby amending the conditions of approval of the Conditional Use Permit C-1017-A, approved by the City of Westminster Planning Commission on October 10, 2001; Location: 15991 Magnolia Street.

4. PUBLIC HEARINGS

4.1 Weed Abatement – Fall 2006 (618-01)

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE PROJECT.

Darrell Nolta, resident of Westminster, commented on the need to clean up debris and weeds on public property as well as private property. He spoke about debris in several areas of the City.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM. SEEING THERE WERE NONE, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Marsh, seconded by Council Member Quach, to:

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 4041 entitled, "A Resolution of the Mayor and City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways and private property in the City, and that the same are a public nuisance; ordering and directing the Interim City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law", and waive further reading.

The motion carried by a 4-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Council Member Quach wished everyone a Happy Halloween. He asked if Public Works Department could look into a crosswalk on Newland near Stater Bros.

Council Member Marsh spoke regarding political signs in the City, and thanked Code Enforcement for the more aggressive measures taken in removing illegal signs. He commented that grocer's need to take care of their shopping carts.

Edelgard Crozier, resident of Westminster, shared an idea for shoppers to purchase shopping carts.

Council Member Quach concurred with Council Member Marsh and commended Code Enforcement on their efforts to remove political signs

Mayor Rice said that she heard from two people that haven't received their ballot yet for the November 7th election. She directed the City Clerk to investigate why the ballots have not been received yet. She spoke about the Candidate's Forum that was held last night.

5.2 AB 1234 Reports – None**5.3 Reconsideration of Council direction relative to the structure of the 3rd Assault Amphibian Battalion Advisory Committee.**

The City Attorney explained that in order to be a standing committee and not be subject to The Brown Act, Council Members cannot sit in conjunction with other community members on the Board. The fact that the Committee also includes non-Council Members makes it a standing committee for purposes of The Brown Act. He suggested that the City Council either remove itself or the citizens from the Committee.

Motion was made by Council Member Marsh, seconded by Mayor Rice, to remove Council Members from the 3rd Assault Amphibian Battalion Advisory Committee and to leave all the other appointees that the Council has placed.

The motion carried by a 4-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**6.1 Establishment of Monthly Parking Passes for the Civic Center Pay Parking Lots (608-06)**

Motion was made by Council Member Quach, seconded by Council Member Marsh to establish a monthly parking pass for the Civic Center pay parking lots at \$45 per month.

Discussion ensued relative to the need for additional parking and more than 30-minute parking for people conducting business at City. It was the consensus of the Mayor and City Council to provide direction to the City Manager to change the existing 30-minute parking at City Hall to 60 minutes and to mark off additional parking spaces in the aisle facing northerly to the existing parking.

The motion to establish a monthly parking pass for the Civic Center pay parking lots at \$45 per month carried by a 4-0 vote.

6.2 Agreement with The Monterey Group Corporation for the management and rental of the City-owned property located at 6312 California Street (502-20)

Council Member Marsh questioned the \$6,000 cost for property management services.

The Director of Public Works/City Engineer explained the reason for the \$6,000 is that the property is in need of rehabilitation, which will be done before it rented out.

Vivian Kirkpatrick-Pilger, resident of Westminster, asked when the water pump station will be built on the City-owned property on Goldenwest, and expressed concern that City revenues are being lost on this property.

The Director of Public Works/City Engineer responded that this County-wide project was funded by Orange County Water District. He explained that since the City has owned the property, the house was taken down, the well has been drilled, and other activities have been going on at the site.

Motion was made by Council Member Quach, seconded by Council Member Marsh to:

- 1) Approve the Property Management Agreement with The Monterey Group Corporation, and authorize the interim City Manager to execute the agreement and future lease renewals on behalf of the City; and
- 2) Amend the fiscal year 2006-07 adopted budget by increasing estimated Revenues, Rental Income (Account No. 55500-33500) in the amount of \$15,000, and amend the fiscal year 2006-07 adopted budget to increase budgeted expenditures for Water Administration Program, Contractual – Other (Account No. 55500-43090) for property management services in the amount of \$6,000.

The motion carried by a 4-0 vote.

6.3 Clarification of the Mayor and City Council's interpretation of Chapter 17.48.070 of the Westminster Municipal Code, pertaining to the City's requirement for subtracting common driveways from apartment and condominium developments, for the purpose of determining allowed density. (202-01)

Council Member Marsh commented on the subject of this item, stating that there is no need for a clarification of an interpretation, as this is an unambiguous section of the code.

Council Member Quach agreed with Council Member Marsh, adding that the project was allowed to go through the planning process for a long time prior to its adoption. He is willing to consider the recommendation with the understanding that it will never happen again in the City.

The Director of Community Development explained that an interpretation of the code had been provided to staff by a previous City Manager. When the application for the subject project was submitted, it was under the policy provided to staff by the previous City Manager.

Council Member Marsh stated that it must be made clear that this exception will not be provided again.

Motion was made by Council Member Marsh, seconded by Council Member Quach that the two non-condominium projects already in the planning review process be exempt from Chapter 17.48.070 of the Westminster Municipal Code and revoke the previous City Manager's interpretation of the code as inconsistent with the plain and unambiguous language of the code.

The motion carried by a 4-0 vote.

6.4 Fifth Amendment to Consulting Services Agreement with Willdan to provide temporary Planning staff services. (502-23)

Motion was made by Council Member Marsh, seconded by Council Member Quach, that the Mayor and City Council:

- 1) Authorize an appropriation of \$36,000 from the Community Development Fund – 285 Undesignated Balance (Account No. 285-00285-71030) to Planning and Zoning Contractual (Account No. 285-61050-43090); and
- 2) Approve the Fifth Amendment to the Consulting Services Agreement with Willdan for an increase of \$36,000 and a total amount not to exceed \$151,480, and authorize the Interim City Manager to execute the amendment on behalf of the City.

The motion carried by a 4-0 vote.

6.5 Reclassification from Administrative Aide/Rehabilitation Specialist to Administrative Analyst in the Community Development Department – Housing Division. (110-04)

Council Member Marsh stated that he reviewed the responsibilities of the position and failed to see how this position is an analyst position. He is opposed to titles being used as a mechanism to change the compensation.

The Director of Community Development stated that this individual will serve as an assistant to the City Housing Manager, and is working out of classification in her job description.

Council Member Marsh suggested that the job description be enhanced, rather than changing the job title. He feels the employee is valuable, but his concern is the mechanism being used.

Motion was made by Council Member Marsh, seconded by Council Member Quach to take this item off calendar and continue it to another Council meeting to allow staff to come back with some other mechanism for accomplishing the goal of enhancing the compensation of this employee, and to include a job description with the report.

The motion carried by a 3-1 vote, with Mayor Pro Tem Fry voting in opposition.

6.6 Public Information Clerk (Full-Time Position) (110-04)

Mayor Rice stated that she is glad to see this item, due to the consistent turnover in this position.

Council Members Marsh and Quach agreed that improved continuity is needed for this position.

Motion was made by Council Member Marsh, seconded by Council Member Quach to:

- 1) Approve One (1) Full-Time Public Information Clerk Position (formerly two part-time positions) and Revised Classification Specification; and
- 2) Appropriate \$13,886 from the Undesignated Unreserved General Fund Balance (Account No. 00100-71030) to City Clerk's Permanent Salaries (Account No. 12000-40000).

The motion carried by a 4-0 vote.

6.7 (City/Agency) Consideration of alternative date(s) or cancellation of the regular meetings of November 22, 2006 (the day before Thanksgiving) and December 27, 2005 (City Hall furlough closure). (103-08)

Motion was made by Council/Agency Member Marsh, seconded by Council/Agency Member Quach to cancel the regular meetings of November 22, 2006 and December 27, 2006. A meeting was set to be held on Wednesday, November 29, 2006.

The motion carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Resolution No. 4043 - Establish Policies and Procedures Giving Priority Water Services to Proposed Developments That Include Housing Units Affordable to Lower Income Households (203-01)

Council Member Quach stated that he doesn't believe we have ever established priorities for any developers.

Council Member Marsh commented that he believed the intent of the statute was to make so it did not create a double standard making it more difficult for affordable housing, but he was not under the impression that the statute requires more favorable treatment be given to affordable housing. He said he has no problem with the policy itself, but is opposed to "priority" service being provided, as stipulated in Resolution No. 4043.

Mayor Pro Tem Fry agreed with Council Member Marsh.

Motion was made by Council Member Quach, seconded by Council Member Marsh to take this matter off calendar, research the matter, and bring it back.

The Director of Community Development said that they had been in contact with the City Attorney's office, and this is the language that they came up with. They will double check on the word "priority" to see if it is a compelling word.

The motion carried by the following vote:

AYES: RICE, FRY, MARSH, QUACH
NOES: NONE
ABSTAIN: NONE

9. COMMISSION AND COMMITTEE ITEMS**9.1 Request for parking restrictions in front of 7221 Trask Avenue – T.C. 81-107 (608-02)**

Motion was made by Council Member Quach, seconded by Council Member Marsh to approve the recommendation of the Traffic Commission and adopt Resolution No. 4042 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the extension of parking restrictions on the north side of Trask Avenue in front of 7221 Trask Avenue", and waive further reading.

The motion carried by the following vote:

AYES: RICE, FRY, MARSH, QUACH

NOES: NONE

ABSTAIN: NONE

9.2 Proposed joint study session with the Planning Commission, regarding concerns related to large single family homes.

Mayor Rice stated she thought the City had a committee to study this issue.

Council Members Quach and Fry responded that the City formed an Ad Hoc Residential Standards Committee that is to review these matters.

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry to continue to a date uncertain until after the appointment of new Planning Commissioners (after the first of the year). The motion carried by a 4-0 vote.

9.3 Resignation of Robert Ault from the Commission on Aging. (104-03)

Mayor Rice asked that a commendation be prepared for Mr. Ault.

Motion was made by Mayor Pro Tem Fry, seconded by Council Member Marsh to accept the resignation of Robert Ault from the Commission on Aging, with regrets. The motion carried by a 4-0 vote.

10. COUNCIL/AGENCY ADJOURNMENT: At 9:03 p.m.


Marian Contreras, City Clerk/Agency Secretary